

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

1:05-cv-00086-OWW-GSA-PC

ORDER REINSTATING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT ON
COURT'S CALENDAR
(Doc. 184.)

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT WITHIN
THIRTY DAYS

_____/

Bryan E. Ransom ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 21, 2005. (Doc. 1.) This action now proceeds on the amended complaint filed by Plaintiff on August 30, 2005, against defendants Adams, Alameida, Atkinson, Bennett, Bremner, Burruel, Cabral, Canton, Carey, Case, Cheema, DeGroot, Diggs, Diaz, Duran, Flores, Garcia, Hulsey, Johnson, Jones, Kalvelage, Lankford, L'Etoile, Madreno, Mayo, McDowell, Meske, Pear, Pina, Pliler, Rosario, Santos, Scribner, Tennison, Vance, and Williams,¹ on Plaintiff's claims for violation of his rights under the United States Constitution.² (Doc. 8.)

¹Defendants Canton, Garcia, Madreno, and Williams have not been served in this action.

²Plaintiff has claims pending for denial of free exercise of religion under the First Amendment, failure to protect under the Eighth Amendment, retaliation, violations of due process, inadequate medical care under the Eighth Amendment, excessive force, assault and battery, intentional infliction of emotional distress, negligence, and mail censorship.

On March 3, 2009, defendants Adams, Alameida, Atkinson, DeGroot, Diggs, Flores, Johnson, Kalvelage, Lankford, Pliler, and Rosario ("Defendants") filed a motion for summary judgment. (Doc. 184.) On August 20, 2009, the court vacated Defendants' motion for summary judgment from the court's calendar pending submission of defendants' motion to dismiss. (Doc. 212.) Defendants' motion to dismiss has since been vacated from the court's calendar. Therefore, at this juncture, the court shall reinstate Defendants' motion for summary judgment on the court's calendar.

Plaintiff was required to file an opposition or a statement of non-opposition to the motion within twenty-one days, but has not done so. Local Rule 230(l). Accordingly, within **thirty (30) days** from the date of service of this order, Plaintiff must file an opposition or a statement of non-opposition to Defendants' March 3, 2009 motion for summary judgment. If Plaintiff fails to comply with this order, this action will be dismissed, with prejudice, for failure to obey the Court's order and failure to prosecute.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Defendants' motion for summary judgment, filed on March 3, 2009, is REINSTATED on the court's calendar;
2. Within thirty days from the date of service of this order, plaintiff is required to file an opposition or a statement of non-opposition to Defendants' March 3, 2009 motion for summary judgment; and
3. Plaintiff's failure to comply with this order shall result in the dismissal of this action in its entirety, with prejudice, for failure to obey the court's order and failure to prosecute.

IT IS SO ORDERED.

Dated: June 2, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE